

HOUSE BILL REPORT

ESHB 2884

As Amended by the Senate

Title: An act relating to reclaimed water.

Brief Description: Concerning the use of reclaimed water.

Sponsors: By House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Linville and McCoy).

Brief History:

Committee Activity:

Economic Development, Agriculture & Trade: 1/18/06, 1/27/06 [DPS];
Appropriations: 2/2/06, 2/3/06 [DPS(EDAT)].

Floor Activity:

Passed House: 2/14/06, 78-19.
Senate Amended.
Passed Senate: 3/7/06, 46-0.

Brief Summary of Engrossed Substitute Bill

- Requires the Department of Ecology to adopt new standards for reclaimed water use by the end of 2010.

HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT, AGRICULTURE & TRADE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Linville, Chair; Pettigrew, Vice Chair; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton, Blake, Chase, Clibborn, Dunn, Grant, Haler, Kilmer, McCoy, Morrell, Newhouse, Quall, Strow, P. Sullivan and Wallace.

Minority Report: Do not pass. Signed by 4 members: Representatives Bailey, Buri, Holmquist and Kretz.

Staff: Jason Callahan (786-7117).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Economic Development, Agriculture & Trade be substituted therefor and the substitute bill do pass. Signed by 21 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Buri, Cody, Conway, Darneille,

Dunshee, Grant, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, Miloscia, Priest, Schual-Berke, P. Sullivan and Walsh.

Minority Report: Do not pass. Signed by 7 members: Representatives Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Chandler, Clements and Pearson.

Staff: Alicia Paatsch (786-7178).

Background:

Reclaimed water is an effluent derived from a wastewater treatment system that has been treated to be suitable for a beneficial use or a controlled use that otherwise would not occur. Reclaimed water may be used for a variety of nonpotable water purposes, including irrigation, agricultural uses, industrial and commercial uses, streamflow augmentation, dust control, fire suppression, surface percolation, and discharge into constructed wetlands.

The Department of Health issues permits to water generators for commercial or industrial uses of reclaimed water. The Department of Ecology issues reclaimed water permits for land applications of reclaimed water. The departments of Health and Ecology were required to adopt a single set of standards, procedures, and guidelines for industrial and commercial uses and land applications of reclaimed water. These standards were adopted in the mid-1990s, and resulted from consultation with an advisory committee of interested stakeholders.

Summary of Engrossed Substitute Bill:

By no later than the end of 2010, the Department of Ecology is required to adopt rules for reclaimed water use. These rules must be adopted in coordination with the Department of Health, and in consultation with an advisory committee made up of interested stakeholders. Once adopted, the standards may not be revised without specific legislative direction.

The rules must address all aspects of reclaimed water use, including industrial uses, surface percolation, and stream flow augmentation. Two interim progress reports must be delivered to the Legislature prior to the final adoption in 2010.

Upon final adoption, the roles played by the Department of Health in the management and regulation of reclaimed water will be conditional on the outcome of the rules adopted by the Department of Ecology. The Department of Health's new roles will be defined by the adopted rules.

EFFECT OF SENATE AMENDMENT(S):

Changes two definitions that relate to reclaimed water so that storm water and wastewater is excluded from the definition of "constructed treatment wetlands" and polishing and aesthetics is included.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Economic Development, Agriculture & Trade) Reclaimed water is an untapped source of water supply for the state. The process started out as an experiment, and has evolved into a viable resource. The more limited the state's water supply becomes, the more valuable of a tool reclaimed water will become.

Local governments are turning to reclaimed water to meet community water needs, and while designing facilities, outdated standards has surfaced as a concern. The current standards are not consistent and do not reflect modern wastewater treatment technologies. The affected state agencies have the authority to update the standards now, but the bill would provide a mechanism for all stakeholders to work in unison. Consolidating the standards in one agency makes sense.

(With concerns) The new rules should retain the role of public health agencies and include federal guidelines. In addition, a robust public process must be included. The advisory committee process must be as inclusive as possible to ensure success.

(Neutral) This is not funded in the Governor's budget.

Testimony For: (Appropriations) We worked to get involved in reclaimed water with Department of Ecology originally but now those guidelines are outdated and technology has changed a lot in the last decade. We hope you will support the cost of rule-making.

Testimony Against: (Economic Development, Agriculture & Trade) None.

Testimony Against: (Appropriations) None.

Persons Testifying: (Economic Development, Agriculture & Trade) (In support) Ed Thorpe, Coalition for Clean Water; Karla Fowler, Lacey, Olympia, Tumwater and Thurston County (LOTT) Alliance; Joe Daniels, Washington Association of Sewer and Water Districts; Rose Feliciano, City of Seattle; and Kathleen Collins, Washington Water Policy Alliance.

(With concerns) Steve Lindstrom, Sno-King Water District Coalition; and Dawn Vyvyan, Yakama Nation.

(Neutral) Maryanne Guichard, Washington Department of Health; and Melodie Selby, Washington Department of Ecology.

Persons Testifying: (Appropriations) Ed Thorpe, Coalition for Clean Water.

Persons Signed In To Testify But Not Testifying: (Economic Development, Agriculture & Trade) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.